



**CITY OF AKRON, OHIO**  
**POLICE DIVISION**  
**JAMES D. NICE, CHIEF OF POLICE**

<b>NUMBER</b> P-2011-060	<b>EFFECTIVE DATE</b> September 1, 2011	<b>RESCINDS</b> P-2009-060 Issued 1-14-09
<b>SUBJECT</b> Forfeiture Procedure <sup>1</sup>		<b>ISSUING AUTHORITY</b> Chief James D. Nice

## **I. POLICY**

The forfeiture of property will be utilized to the fullest extent to deter criminal activity, deprive criminals of the profits and proceeds of their illegal activities, and off set the economic effect of these activities.

## **II. DEFINITIONS**

- A. Civil forfeiture – Property that was derived directly or indirectly from an act that could be prosecuted as a felony drug case. This is a civil action against the property and criminal charges against the owner are not necessary; i.e., a person with a large sum of money is stopped in a known drug area. There are no criminal charges, but the person has no reasonable explanation for being in a drug area, or means to have acquired such a large sum of money. He is suspected of being involved in illegal drug activity.
- B. Contraband – Any property that is illegal for a person to acquire or possess.
- C. Instrumentality – Property otherwise lawful to possess that is used in or intended to be used in an offense.
- D. Proceeds – Any property derived directly or indirectly from an offense.

## **III. PROCEDURE**

### **A. PROPERTY SUBJECT TO FORFEITURE**

- 1. Contraband involved in an offense.
- 2. Proceeds derived from or acquired through the commission of an offense.
- 3. An instrumentality that is used in or intended to be used in the commission or facilitation of a felony or a misdemeanor specifically authorized by law.

4. A monetary threshold for a money seizure under civil forfeiture is a minimum of \$5,000.00.

5. When seizing titled property such as a vehicle, the underlying criminal offense must be a felony.
6. The monetary threshold for seizing money is a minimum of \$100.00.
7. Property is subject to forfeiture under either the adult or juvenile courts.
8. If an officer wants to ensure that property will not be returned to the person a seizure package must be completed; e.g., if a violent suspect was wielding a knife and arrested for disorderly conduct a seizure package must be completed to prevent to suspect from getting his knife back.
9. When seizing property in a misdemeanor case, officers are required to include the following:
  - a. Nature and extent of the offender's interest in the property.
  - b. Description of the property.
  - c. The use or intended use of the property in the commission of the offense.<sup>2</sup>

#### B. OFFICER'S RESPONSIBILITIES

1. The arresting officer will complete a Seizure/Forfeiture Form.
  2. A person, whose property is being seized, will be asked to sign the Seizure/Forfeiture Form. Owners of titled property must be notified of the seizure as soon as practical.
    - a. If the owner or driver refuses to sign, mark refused.
- b.If the owner or driver is absent or unable to sign, the Seizure/Forfeiture Unit will be responsible for notifying the owner.
3. If seizing property from a juvenile, complete the addendum to Complaint of Forfeiture Form and attach it to the complaint filed with Juvenile Court.
  4. If the item seized is a motor vehicle, place a hold for felony seizure and leave the keys with the vehicle.
  5. The arresting officer will prepare a seizure package for the Seizure/Forfeiture Unit. The package shall be placed in a manila folder and left in the Narcotics Unit tray in the Detective Bureau prior to the end of the shift. The seizure package shall contain the following:
    - a. The original Seizure/Forfeiture Form.

- b. A copy of the Tow Report.
  - c. A copy of the Report of Investigation.
  - d. A copy of the Supplemental Arrest Report.
  - e. A copy of the Incident Report.
  - f. A copy of the Evidence Report.
6. Officers should expect to testify at Grand Jury about the property to be forfeited.
7. The arresting officer shall notify the on-call narcotics detective immediately, through the DB Desk when there is a civil seizure.

By Order Of,



James D. Nice  
Chief of Police

Date August 16, 2011

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<sup>1</sup> Ohio Revised Code Section 2981

<sup>2</sup> Ohio Revised Code Section 2981.04